



NATIONAL ARBITRATION FORUM

DECISION

PSC Management, Limited Partnership v. sinetbiz.com
Claim Number: FA0601000627131

PARTIES

Complainant is **PSC Management, Limited Partnership** (“Complainant”), represented by **Cathryn Berryman**, of **Jenkins & Gilchrist**, 1445 Ross Ave., Suite 3700, Dallas, TX 75202. Respondent is **sinetbiz.com** (“Respondent”), 800 Victory Blvd., 6f, Staten Island, NY 10301.

REGISTRAR AND DISPUTED DOMAIN NAMES

The domain names at issue are <**perotglobal.com**> and <**perotusa.com**>, registered with **Go Daddy Software, Inc.**

PANEL

The undersigned certifies that he or she has acted independently and impartially and to the best of his or her knowledge has no known conflict in serving as Panelist in this proceeding.

Houston Putnam Lowry, Chartered Arbitrator, as Panelist.

PROCEDURAL HISTORY

Complainant submitted a Complaint to the National Arbitration Forum electronically on January 16, 2006; the National Arbitration Forum received a hard copy of the Complaint on January 18, 2006.

On January 18, 2006, Go Daddy Software, Inc. confirmed by e-mail to the National Arbitration Forum that the <**perotglobal.com**> and <**perotusa.com**> domain names are registered with Go Daddy Software, Inc. and that the Respondent is the current registrant of the name. Go Daddy Software, Inc. has verified that Respondent is bound by the Go Daddy Software, Inc. registration agreement and has thereby agreed to resolve domain-name disputes brought by third parties in accordance with ICANN’s Uniform Domain Name Dispute Resolution Policy (the “Policy”).

On January 20, 2006, a Notification of Complaint and Commencement of Administrative Proceeding (the “Commencement Notification”), setting a deadline of February 9, 2006 by which Respondent could file a Response to the Complaint, was transmitted to Respondent via e-mail, post and fax, to all entities and persons listed on Respondent’s registration as technical, administrative and billing contacts, and to postmaster@perotglobal.com and postmaster@perotusa.com by e-mail.

A timely Response was received and determined to be complete on February 9, 2006.

On February 16, 2006, pursuant to Complainant's request to have the dispute decided by a single-member Panel, the National Arbitration Forum appointed Houston Putnam Lowry, Chartered Arbitrator, as Panelist.

RELIEF SOUGHT

Complainant requests that the domain names be transferred from Respondent to Complainant.

PARTIES' CONTENTIONS

A. Complainant

- (1) the domain name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (2) Respondent has no rights or legitimate interests in respect of the domain name; and
- (3) the domain name has been registered and is being used in bad faith.

B. Respondent

Respondent agrees with Complainant's contentions and requested relief.

FINDINGS

- (1) the domain name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (2) Respondent has no rights or legitimate interests in respect of the domain name; and
- (3) the domain name has been registered and is being used in bad faith.

DISCUSSION

Paragraph 15(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules") instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy requires that the Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

- (1) the domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (2) the Respondent has no rights or legitimate interests in respect of the domain name; and
- (3) the domain name has been registered and is being used in bad faith.

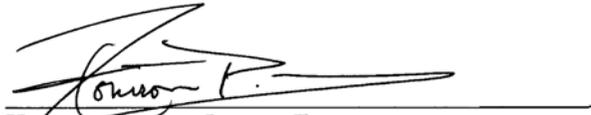
Respondent has chosen not to challenge any of Complainant's assertions and has agreed to transfer the <perotglobal.com> and <perotusa.com> domain names to Complainant in satisfaction of Complainant's requested remedy. When a respondent has agreed to

comply with the complainant's request, the Panel may decide to forego the traditional UDRP analysis and summarily order the transfer of the domain names. *See Boehringer Ingelheim Int'l GmbH v. Modern Ltd. – Cayman Web Dev.*, FA 133625 (Nat. Arb. Forum Jan. 9, 2003) (transferring the domain name registration where the respondent stipulated to the transfer); *see also Malev Hungarian Airlines, Ltd. v. Vertical Axis Inc.*, FA 212653 (Nat Arb. Forum Jan. 13, 2004) (“In this case, the parties have both asked for the domain name to be transferred to the Complainant . . . Since the requests of the parties in this case are identical, the Panel has no scope to do anything other than to recognize the common request, and it has no mandate to make findings of fact or of compliance (or not) with the Policy.”); *see also Disney Enters., Inc. v. Morales*, FA 475191 (Nat. Arb. Forum June 24, 2005) (“[U]nder such circumstances, where Respondent has agreed to comply with Complainant's request, the Panel felt it to be expedient and judicial to forego the traditional UDRP analysis and order the transfer of the domain names.”).

DECISION

Having established all three elements required under the ICANN Policy, the Panel concludes that relief shall be **GRANTED**.

Accordingly, it is Ordered that the <**perotglobal.com**> and <**perotusa.com**> domain names be **TRANSFERRED** from Respondent to Complainant.



Houston Putnam Lowry, Esq.
Arbitrator

Houston Putnam Lowry, Chartered Arbitrator, Panelist
Dated: March 2, 2006

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